a What is a deterrent?

b What is negligent conduct?

c What does redress mean?

d What is remote damage?

e What is proof of damage?

f What does it mean if something is actionable *per se*?

It means the same as compensation. (1)

It means that the claimant can make a claim for the thing that happened without any evidence of actual harm. (2)

It is evidence that the claimant actually suffered real harm, such as physical harm or loss of money. (3)

It is something that is designed to make people not do a particular thing or not behave in a particular way. (4)

It is careless behaviour that is likely to cause harm to another person. (5)

It is damage that the defendant could not reasonably foresee. (6)

A FAMOUS CASE IN ENGLISH LAW

Exercise 1

Read this information about a famous case from the law of tort in England. Answer the questions that follow using a full sentence.

The 'McLibel' case

On 15 February 2005, the longest case in English legal history came to an end. The case lasted for an amazing nine years and six months, the longest case in either criminal or civil legal history. There were 313 days of legal argument in court and 20,000 pages of court transcripts, which are the documents that record what happened in court. 130 witnesses gave oral evidence to the court. This case was based upon the law of tort.

The case was famous all over the world because of the nickname that people gave to it. This nickname was 'the McLibel case'. The claimant in the McLibel case was, of course, McDonald's, the chain of fast food restaurants. The case was so famous that the word 'McLibel' now appears in some respected English dictionaries.

The facts of the case are as follows. The defendants in this case, Helen Steel and David Morris, belonged to a group of people who were worried about the environment and about the way that certain large corporations were behaving in relation to the environment. The group decided that the best way to tell the public about this was to give out leaflets containing information about the problem. In 1990, Helen and David stood outside several McDonald's restaurants in London. They gave leaflets to people who were in the area. The title of the leaflets was 'What's wrong with McDonald's: Everything they didn't want you to know'.

The problem was that the leaflets contained some very controversial claims. For example, the leaflet said that McDonald's was partly to blame for the destruction of the rainforests. It also claimed that McDonald's' food was unhealthy and eating too much of this food could give people health problems later in life.

In 1990 McDonald's issued a claim against Helen and David on the grounds of libel. The company did not need proof of damage, as libel is actionable *per se*. The libel trial started in 1994. There was no judgment until three years later. Helen and David were found to be guilty of libel. In 1999 Helen and David appealed, but again they were ordered to pay damages to McDonald's.

Helen and David refused to pay the damages. They decided instead to appeal to the European Court of Human Rights in Strasbourg. Two barristers from England represented Helen and David in Strasbourg. The Strasbourg court made a decision that changed English law. The court decided that the English courts followed the correct procedure but that, nevertheless,